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graduation of pupils for violation of school rules. Iowa Comp. Code (1919) § 2566. Public school authorities have such control even in the absence of a statute, but if the ruling is unreasonable or arbitrary a court will take jurisdiction by a writ of mandamus. *State, ex rel. Kelley v. Ferguson* (1914) 95 Neb. 63, 144 N. W. 1039. A writ of mandamus issues to compel the performance of a ministerial duty not involving the exercise of discretion. *People v. Board of Supervisors of DeWitt County* (1911) 161 Ill. App. 529 (*semble*). The petitioner must show a clear legal right to the thing demanded and an imperative duty of the respondent to perform. *State, ex rel. Hunter v. Winterrowd* (1910) 174 Ind. 592, 92 N. E. 650. Thus the writ will not be issued where the defendant has acted within the limits of reasonable discretion. *The State, ex rel. The City of Dayton v. Patterson* (1915) 93 Ohio St. 25, 112 N. E. 142. Nor will it issue where there is another adequate remedy. *Chatfield Co. v. Reeves* (1913) 87 Conn. 63, 86 Atl. 750. Mandamus has been allowed to compel a private school to issue a diploma. *State, ex rel. Nelson v. Lincoln Medical College* (1908) 81 Neb. 533, 118 N. W. 122. But this seems unsound since a bill for specific performance would lie, and mandamus is generally regarded as the most extraordinary legal remedy. *State, ex rel. Burg v. Milwaukee Med. College* (1906) 128 Wis. 7, 106 N. W. 116. Since the defendants' ruling was clearly unreasonable and mandamus the only remedy, the instant case is sound.

MASTER AND SERVANT—SERVANT'S WILFUL TORT—MASTER'S LIABILITY IN EXEMPLARY DAMAGES.—The plaintiff, a passenger of the defendant railroad company was wilfully assaulted by one of its employees. *Held*, the defendant is liable in exemplary damages. *Clark v. Bland et al.* (N. C. 1921) 106 S. E. 491.

A carrier contracts to carry passengers safely and is bound to protect them against violence from its servants. *Birmingham Ry. etc. v. Baird* (1900) 130 Ala. 334, 30 So. 456. But assuming the carrier is liable to the plaintiff, should it be responsible in exemplary damages? Such damages are awarded as punishment against a wrongdoer. *Dreimuller v. Rogow* (1919) 93 N. J. L. 1, 107 Atl. 144; see *The Amiable Nancy* (U. S. 1818) 3 Wheat. 546, 558. The better authority holds the master liable for punitive damages only if he directs or ratifies his servant's act. *Lake Shore Ry. Co. v. Prentice* (1893) 147 U. S. 101, 13 Sup. Ct. 261; *Rainess v. American League Baseball Club* (1921) 185 N. Y. Supp. 582; *contra, Rucker v. Smoke* (1892) 37 S. C. 377, 16 S. E. 40. A third view distinguishes between corporate and individual masters and holds the former liable for punitive damages on the theory that the corporation is personified in each of its agents. See *Jones v. Shannon* (1918) 55 Mont. 225, 233, 175 Pac. 882. By the sounder view the corporation is personified only in its superior officials. See *Sparrow v. Vermont Savings Bank* (Vt. 1921) 112 Atl. 205. Hence, only where such officials directly order the tort complained of, is the company correctly held liable in exemplary damages. *Sparrow v. Bank, supra, (semble)*. But exemplary damages being awarded as punishment of a wrongdoer, the master should not be responsible in such damages even where the servant acts within the scope of his employment, if the master has not ordered or ratified the act. *A fortiori*, where the act is not in the master's interest. The federal and New York cases seem the sounder and the instant case represents the less easily sustainable doctrine.

MUNICIPAL CORPORATIONS—UNSAFE CONDITION OF STREETS—INDEPENDENT CONTRACTOR.—An independent contractor, employed by the defendant city, negligently tarred its streets, making them unsafe. Five hours afterward the plaintiff was injured due to the skidding of his automobile. He received a verdict. Upon appeal, *held*, two judges dissenting, a new trial ordered. The defendant is not